

SCOTTSDALE

CITY COUNCIL MEETING

*** AMENDED *** AGENDA (ITEM NO. 20A ADDED)



COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Ned O'Hearn

David Ortega

Roberta Pilcher

Tom Silverman

Tuesday, December 9, 2003

4:00 P.M.

MARKED AGENDA

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Blvd. – **4:02 P.M.**

Roll Call – **ALL PRESENT**

1. Brief update on the negotiations for acquisition of property for inclusion in the McDowell Sonoran Preserve: a portion of 780 acres of land located between Bell and Union Hills, at approximately 104th Street. Contact: Robert Cafarella 480-312-2577, rcafarella@scottsdaleaz.gov - **ATTY. WOODFORD**
2. Brief update on the City's position regarding possible settlement of the following three lawsuits currently pending in Maricopa County Superior Court involving an automobile accident on Pima and Happy Valley roads in January 2002: *Salomon, et al. v. City of Scottsdale, et al.*; *Baragry and Rezzonico v. City of Scottsdale, et. al.*; and *Vergara v. City of Scottsdale, et al.* Contact: Deborah Robberson, 480-312-2405, dobberson@scottsdaleaz.gov - **ATTY. WOODFORD**
3. MOTION TO RECESS INTO EXECUTIVE SESSION for: **- OK – 7/0**
 - a. Discussion of negotiations for acquisition of property for inclusion in the McDowell Sonoran Preserve: a portion of 780 acres of land located between Bell and Union Hills, at approximately 104th Street. A.R.S. 38-431.03 (A)(3)(Legal Advice), (4)(Litigation), and (7)(Property Negotiations). Contact: Robert Cafarella 480-312-2577, rcafarella@scottsdaleaz.gov
 - b. Discussion regarding the City's position, including settlement, in the following three lawsuits currently pending in Maricopa County Superior Court involving an automobile accident on Pima and Happy Valley roads in January 2002: *Salomon, et al. v. City of Scottsdale, et al.*; *Baragry and Rezzonico v. City of Scottsdale, et. al.*; and *Vergara v. City of Scottsdale, et al.* A.R.S. 38-431.03 (A)(3)(Legal Advice) and (A)(4)(Litigation). Contact: Deborah Robberson, 480-312-2405, dobberson@scottsdaleaz.gov

Adjourn Special Meeting - 4:04 P.M.

CITY COUNCIL EXECUTIVE SESSION

Following 4:00 P.M. City Council Special Meeting

Call to Order – City Hall Kiva Conference Room

Executive session for any of the purposes listed on the agenda for the City Council Special Meeting called for 4:00 P.M., on previous page.

Adjourn

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:04 P.M.**

Roll Call – **ALL PRESENT**

Presentations/Information Updates

Parada del Sol Poster Art Presentation – **DAN FLORES, PARADA BOSS**

Presentation of Sevey Award for the S.M.I.L.E. Program – **SANDY WAGNER, MOTOROLA**

Public Comment – **TIM MONTGOMERY – POSITIVE IMPACTS OF THE DESERT PRESERVE INITIATIVE;**
ROBERT BERG – SCOTTSDALE HEALTHCARE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – **OK – 7/0**

SPECIAL MEETINGS
November 10, 2003
November 17, 2003

REGULAR MEETINGS
November 4, 2003

EXECUTIVE SESSIONS
October 27, 2003
November 10, 2003

CONSENT AGENDA ITEMS 1 - 20

1. Old Town Border Liquor License – **OK - C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer and wine bar) State liquor license for a new beer/wine bar location.

Location: 3815 N. Brown Av.

Reference: 39-LL-2003

CONSENT AGENDA

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

2. **Drinx Restaurant Liquor License – OK - C**

Request: Consider forwarding an approval recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new restaurant location.

Location: 7330 E. Stetson Dr.

Reference: 52-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

3. **The Golf Club Scottsdale Liquor License – OK - C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 14 (private club) State liquor license for a new location.

Location: 26601 N. 122nd St.

Reference: 84-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

4. **Rancho Pinot Liquor License – OK - C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a location currently operating with a series 07 (beer/wine bar) license.

Location: 6208 N. Scottsdale Rd.

Reference: 85-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

5. **MSC Inc. Liquor License – OK - C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 04 (wholesaler) State liquor license for a new location.

Location: 4381 N. 75th St. #201

Reference: 86-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

CONSENT AGENDA

6. **Oreganos Pizza Bistro Liquor License – OK - C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing location, which previously operated with a series 12 license under the business name Chuck Box.

Location: 7215 E. Shea Blvd.

Reference: 87-LL-2003

Staff Contact(s): Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@ScottsdaleAZ.Gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

7. **Lone Mountain Part 2 Desert Mountain Parcel 7D-N Replat – OK - C**

Request: Approve replat for the addition of two residential lots with amended development standards (4.40 acres), and Tract “B” (7.30 acres) to a 64.45-acre parcel.

Location: Desert Mtn. Parcel 70, N. Larry Hughes Dr.

Reference: 25-PP-1997#2

Staff Contact(s): Greg Williams, Senior Planner, 480-312-4205, gwilliams@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

8. **Desert Mountain, Unit 41 Subdivision (The Saguaro Forest at Desert Mountain—Part Eleven) Replat – OK - C**

Request: Approve replat for the revision to tract boundaries, lot numbering system for 45 lots, and 14 lots with amended development standards on a 216.55-acre parcel with 241.85 acres of Conservation Open Space Area.

Location: 42800 N. Desert Mountain Pkwy.

Reference: 1-PP-2001#2

Staff Contact(s): Greg Williams, Senior Planner, 480-312-4205, gwilliams@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

9. **Boulder Mountain Final Plat – OK - C**

Request: Approve Final Plat for 18 single-family residential lots on a 40-acre parcel.

Location: 118th Street & Happy Valley Road

Reference: 24-PP-2002

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

10. **Scottsdale Mountain Parcel A Final Plat – CONTINUED TO JANUARY 20, 2004 – OK - 7/0**

Request: Approve a Final Plat for a 13 lot single-family subdivision on a parcel of approximately 26 acres.

Location: west of 144th St., north of Via Linda, near Eagle Ridge Drive

Reference: 1-PP-2003

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

CONSENT AGENDA

11. Main Street Abandonment Extension – Hotel Valley Ho Site – OK - C

Request: Grant a one-year extension of the approval of Case 7-AB-2002.

Location: 6850 E. Main St.

Reference: 7-AB-2002

Staff Contact(s): Pete Deeley, Project Coordination Manager, 480-312-2554, pdeeley@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

12. Boulder Mountain Estates/Mills Property Abandonment – OK - C

Requests:

1. Abandon 40-foot roadway and utility easement along 116th Street alignment.
2. Abandon 30-foot roadway and utility easement along Ranch Gate Road alignment.
3. Abandon 15-foot roadway and utility easement along 118th Street alignment.
4. Dedicate 45-foot half-street along 118th Street alignment.
5. Dedicate a small right-of-way “stub” at Ranch Gate Road alignment.
6. Dedicate a 25-foot wide public trail easement along the eastern curved side of 118th Street alignment.
7. Adopt Resolution No. 6415 vacating and abandoning portions of roadway easements.

Location: Northwest corner 118th Street and Happy Valley Road alignment

Reference: 9-AB-2002

Staff Contact(s): Cheryl Sumners, Senior Planner, 480-312-7834, csumners@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

13. Basha’s Shopping Center Abandonment – OK - C

Requests:

1. Abandon 14.21 feet of public street right-of-way for a length of 342 feet along the south side of Indian School Road.
2. Reserve a public access and public utility easement over, under, and across the abandoned right-of-way.
3. Dedicate a sidewalk easement over and across a portion of private property.
4. Adopt Resolution No. 6416 vacating and abandoning a portion of the right-of-way.

Location: 8035 E. Indian School Rd.

Reference: 9-AB-2003

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

14. Sugar Daddy’s Conditional Use Permit – OK – 7/0

Request: Conditional use permit for live entertainment with additional parking on a 1.26 +/- acre parcel located at 7107 E. Earll Drive with General Commercial District (C-4) zoning.

Location: 7107 E. Earll Drive

Reference: 16-UP-2003

Staff Contact(s): Bill Verschuren, Project Coordination Manager, 480-312-7734, bverschuren@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

CONSENT AGENDA

15. Boulders Villas Site Plan – OK - C

Requests:

1. For site plan approval per zoning stipulations from 5-ZN-1992 on a 18.1 +/- acre parcel located at the Northeast corner of Westland Road and Scottsdale Road with Planned Neighborhood Center, Planned Community District, Environmentally Sensitive Lands (PNC, PCD, ESL) and Central Business District, Planned Community District, Environmentally Sensitive Lands (C-2, PCD, ESL) zoning.
2. Adopt Ordinance No. 3538 to affirm the new stipulations and approved site plan.

Location: Northeast Corner of Westland & Scottsdale Rd.

Reference: 5-ZN-1992#3

Staff Contact(s): Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

16. Shea & 74th Street Rezoning – OK - C

Requests:

1. Approve rezoning from Central Business District (C-2) to Highway Commercial (C-3) and approve a development agreement restricting uses on a 2 +/- acre parcel located at 7337 E Shea Boulevard.
2. Adopt Ordinance No. 3536 affirming the above rezoning.
3. Adopt Resolution No. 6414 authorizing the Mayor to execute Development Agreement No. 2003-188-COS.

Location: 7337 E. Shea Blvd.

Reference: 13-ZN-2003

Staff Contact(s): Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

17. Northsight Retail Pad Rezoning – OK - C

Requests:

1. Rezone from Central Business District (C-2) to Highway Commercial (C-3) on a 1.2 +/- acre parcel located at 8796 E Raintree Drive.
2. Adopt Ordinance No. 3537 affirming the above rezoning.

Location: North of the Northwest corner of Pima & Raintree Drive

Reference: 14-ZN-2003

Staff Contacts: Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

18. Authorize Settlement in connection with Baragry & Rezzonico v. City of Scottsdale, et al. – OK - C

Request: Consider approval of settlement of \$100,000 in lawsuit filed against the City, Baragry and Rezzonico v. City of Scottsdale, et al., Cause No. CV2003-000442, Maricopa County Superior Court.

Related Policies, References: Settlement Agreement and Release of All Claims, No. 2003-196-COS.

Staff Contact(s): C. Brad Woodford, City Attorney, 480-312-2405, bwoodford@scottsdaleaz.gov; Deborah W. Robberson, Deputy City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Michael Mason, Risk Management Claims Manager, 480-312-2490, mmason@scottsdaleaz.gov

19. Authorize Settlement in connection with Vergara v. City of Scottsdale, et al. – OK - C

Request: Consider approval of settlement of \$25,000 in lawsuit filed against the City, Vergara v. City of Scottsdale, et al., Cause No. CV2003-000774, Maricopa County Superior Court.

Related Policies, References: Settlement Agreement and Release of All Claims, No. 2003-197-COS.

Staff Contact(s): C. Brad Woodford, City Attorney, 480-312-2405, bwoodford@scottsdalaz.gov;

Deborah W. Robberson, Deputy City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

Michael Mason, Risk Management Claims Manager, 480-312-2490, mmason@scottsdaleaz.gov

20. **Authorize Settlement in connection with Salomon, et al. v. City of Scottsdale, et al. – OK - C**

Request: Consider approval of settlement of \$100,000 in lawsuit filed against the City, Salomon, et al. v. City of Scottsdale, et al., Cause No. CV2002-024650, Maricopa County Superior Court.

Related Policies, References: Settlement Agreement and Release of All Claims, No. 2003-198-COS.

Staff Contact(s): C. Brad Woodford, City Attorney, 480-312-2405, bwoodford@scottsdaleaz.gov;

Deborah W. Robberson, Deputy City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

Michael Mason, Risk Management Claims Manager, 480-312-2490, mmason@scottsdaleaz.gov

REGULAR AGENDA

ITEMS ***20A*** - 25

***20A . Development of Biomedical Research Facility at the Mayo Clinic Scottsdale Campus – OK – 7/0

Request: Authorize the Mayor to sign an agreement with the Translational Genomics Research Institute (TGen) investing \$3 million from the City's Economic Investment Fund for the City to acquire an ownership interest in a new biomedical research building to be built on the Scottsdale campus of the Mayo Clinic; a portion of this building will house TGen's proposed TD2 biomedical research facility. TGen will repurchase the ownership interest for \$3 million with interest over a seven-year period, at which time the City would relinquish its interest in the facility.

Related Policies, References:

- Economic Vitality Strategic Plan
- Morrison Institute's "Which Way Scottsdale" report
- Battelle Institute's "Arizona's BioScience Roadmap" report
- "Scottsdale 2.0: A Roadmap for the Future" draft strategic action plan
- Chamber of Commerce's "Building on Success" draft report

Staff Contact(s): David Roderique, Economic Vitality General Manager, 480-312-7601,

droderique@scottsdaleaz.gov

21. **Text Amendment – Environmentally Sensitive Lands Ordinance (ESLO) II – CONTINUED UNTIL DATE TO BE DETERMINED – 7-0**

Requests:

1. Amend Ordinance 455 (Zoning Ordinance) Article VI. Supplementary Districts., Section 6.1010. Environmentally Sensitive Lands Ordinance (ESLO).; Section 6.1011. Purpose.; Section 6.1050. Intensity of Development.; Section 6.1060. Open Space Requirements.; Section 6.1070. Design Standards.; Section 6.1071. Design Guidelines.; Section 6.1083. Amended Development Standards.; Section 6.1090. ESL Submittal Requirements.; Section 6.1091. All Applications.
2. Adopt Ordinance No. 3540 affirming the above text amendment.

Location: This covers approximately 134 square miles of upper desert and mountain areas of Scottsdale and is located north and east of the Central Arizona Project (CAP) Canal.

Reference: 11-TA-2000#3

REGULAR AGENDA

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

22. Text Amendment - Downtown Overlay - Six Month Review – OK w/CHANGES – 7/0

Requests:

1. Amend City of Scottsdale Zoning Ordinance (Ordinance No. 455) Article VI. SUPPLEMENTARY DISTRICTS; Section 6.1200., (DO) DOWNTOWN OVERLAY.; Section 6.1201. Purpose.; Section 6.1202. Conflict with other sections.; Section 6.1210. Definition.; Section 6.1220. Approvals Required.; Section 6.1230. Land Use Standards.; Section 6.1240 Land Use Classifications.; Section 6.1241. Residential Use Classifications.; Section 6.1242. Commercial Use Classifications.; Section 6.1250. Site Development Standards.; Section 6.1251. Additional Regulations.; Section 6.1260. Parking Regulations.; Section 6.1270. Revitalization Bonus/Incentive Provisions.; Article IX., PARKING AND LOADING REQUIREMENTS; Section 9.104. Programs and incentives to reduce parking requirements.; Section 9.108. Special parking requirements in districts.
2. Adopt Ordinance No. 3543 affirming the above text amendment.

Location: Downtown Scottsdale - The Downtown area is generally bounded by Chaparral Road on the north, Miller Road on the east, Earll Drive on the south and 68th Street on the west.

Reference: 2-TA-2003

Staff Contact(s): Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

23. Text Amendment - Use Permit For Bars, After Hours Establishments – OK w/CHANGES – 7/0

Requests:

1. A Text amendment to amend Ordinance 455 (Zoning Ordinance) Article I., Administration and Procedures., Section 1.403. Additional conditions for specific conditional uses.; Article III. Definitions.; Article V. Section. 5.1200. (C-S) Regional Shopping Center., Sec. 5.1300. (C-1) Neighborhood Commercial District., Sec. 5.1400. (C-2) Central Business District., Sec. 5.1500. (C-3) Highway Commercial District., Sec. 5.2400. (P.N.C.) Planned Neighborhood Center., Sec. 5.2500. (P.C.C.) Planned Community Center., Sec. 2.600. (P.R.C.) Planned Regional Center., Sec. 5.2700. (P.Co.C.) Planned Convenience Center.; Sec. 5.2800 (W.P.) Western Theme Park District.; Article VII. General Provisions.;
2. Adopt Ordinance No. 3542 affirming the above text amendment.
3. Adopt Resolution No. 6418 declaring the above text amendment a public record.

Location: Citywide

Reference: 3-TA-2003

Staff Contact(s): Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

24. Galleria Parking Agreement – OK – 7/0

Request: Authorize the City Manager or designee to enter into an agreement with the owner of the Galleria to provide for paid valet parking, or for paid public, self-service parking at the Galleria, providing any such agreements must be terminable on 30 days notice from the City.

REGULAR AGENDA

Staff contacts: Ed Gawf, 480-312-4510, egawf@scottsdaleaz.gov; Madeline Clemann, 480-312-2732, mclemann@scottsdaleaz.gov

25. Specialty District Incentive Programs - OK- 7/0

Requests:

- Adopt Resolution No. 6423 allowing for the establishment of the "Covered Walkway and Façade Improvement Program"
- Adopt Resolution 6424 allowing for establishment of the "Specialty Retail District Incentive Program"
- Authorize expenditure of funds related to implementation of these programs.

Related Policies, References:

- Downtown Vision Principles - Adopted in February, 2002
- Infill Incentive District - Approved in October, 2003
- Temporary Fee Reduction Program - Extended to June, 2004
- Downtown Overlay - Ordinance amendments - Approved July 2003
- 5th Avenue and Old Town Garages - Approved.
- Economic Vitality Strategic Plan - Approved December 2002

Staff contacts: David Roderique, 480-312-7601, droderique@scottsdaleaz.gov; Monique de los Rios-Urban, 480-312-7898, mdelos@scottsdaleaz.gov

Public Comment – LEON SPIRO – STATED HIS BELIEF THAT THE 'S' CURVE AT PIMA/JOMAX NEEDS A TRAFFIC SIGNAL

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items – COUNCILMAN SILVERMAN REQUESTED THAT STAFF PROVIDE COUNCIL WITH CRITERIA FOR SPECIAL EVENTS SUCH AS THE NEW YEAR'S EVE EVENT

Adjournment – 7:11 P.M.

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 in the Kiva Conference Room, City Hall, at 4:00 P.M. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.